

General

ROUTING AND RECORD SHEET

SUBJECT: (Optional) Draft OMB Circular entitled, "Guidelines for Legislation Involving Federal Criminal Law Enforcement Authorities"

FROM:
Director of Security

EXTENSION

NO.

DATE

27 FEB 1984

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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7B-24 Has.
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27 FEB 1984

MEMORANDUM FOR: Chief, Liaison Division
Office of Legislative Liaison

25X1 ATTENTION:

FROM:

Director of Security

SUBJECT: Draft OMB Circular entitled, "Guidelines for
Legislation Involving Federal Criminal Law
Enforcement Authorities" 25X1

REFERENCE: Memorandum from OLL to D/S, dated 15 February
1984, subject as above

1. The Office of Security has carefully reviewed Subject, including subsection 5(c). The draft Office of Management and Budget cover letter, dated 27 January 1984 and attachment appear to impact upon the following Office of Security functions and authorities:

- o appropriate legal responsibility to implement the Agency's new civilian guard force (tentatively termed "Access Control Officers" (ACOs)
- o law enforcement training for the ACOs
- o CIA's authority to conduct firearms training and accreditation 25X1

2. As you are aware, CIA signed a Memorandum of Agreement with the General Services Administration (GSA) on 6 February 1984 which effectively delegates protective responsibility for the CIA compound from GSA to CIA. This delegation of responsibility was made under 40 U.S.C. 318 to the extent that CIA is authorized to accept such a delegation under the law. In that connection, the Office of Security believes that CIA has, in fact, such authority to accept protective authority without further Congressional legislation. 25X1

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25X1 3. The second area of concern relates to law enforcement training of our ACOs. Subsection 5(c) of the OMB cover letter, dated 27 January 1984, captioned, "Authority to Make a Warrantless Arrest" contains a caveat under subsection (3) that the "employee has completed an accredited course of training in the exercise of the power to arrest." Subsection 3(a) of the OMB cover letter defines an accredited course of training as "A systematic course of instruction by an appropriate Federal law enforcement agency." It appears that this guideline precludes CIA in-house training for our ACOs and mandates external training at a law enforcement agency such as the FBI or the Federal Law Enforcement Training Center. []

25X1 4. The final issue raised by Subject concerns the OMB guideline captioned, "Authority to Carry a Firearm" as described in subsection 4(a) of the OMB cover letter. In essence, this guideline appears to require that CIA officers who carry a firearm must complete an accredited course of training in the carrying and use of firearms. It is believed that the intent of this guideline also requires that firearms training be taught by an appropriate Federal law enforcement agency. Historically, CIA officers have been taught and accredited in the use of firearms by a CIA instructor who has been trained and accredited as a Firearms Instructor by the U.S. Secret Service. In view of this new OMB guideline, it appears questionable that CIA's in-house firearms training and accreditation meet the spirit or the intent of the OMB guideline. If our interpretation of subsection 4(a) is correct, the impact upon the Office of Security will be serious since future firearms training and re-qualification of Office of Security personnel (including the new ACOs) will have to be accomplished in cooperation with Federal law enforcement agencies in Washington, D.C., and in cities where our domestic field offices are located. The sheer numbers of Office of Security personnel involved in firearms training would make it impractical to train our personnel centrally at a single Federal law enforcement agency. []

25X1 5. In view of the need for timely implementation of the ACO program and firearms training, you may wish to obtain an expeditious legal opinion on the draft guidelines from the Office of General Counsel. []

25X1 6. Any inquiries regarding this matter should be addressed
25X1 to [] Policy and Plans Group, on black
line []

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